

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

UNITED STATES DISTRICT COURT

for the
District of

Division

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
2020 SEP 18 PM 1:55
OFFICE OF THE CLERKCase No. 8:20cv375
(to be filled in by the Clerk's Office)Jonathan F. Ramos

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Tyson Fresh Meats, Inc.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Jonathan F. Ramos</u>
Street Address	<u>Legacy 23 2542 23rd Street Apt. #413</u>
City and County	<u>Columbus and Platte</u>
State and Zip Code	<u>Nebraska and 68601</u>
Telephone Number	<u>(713) 574-8934 (ASL interpreter relay call)</u>
E-mail Address	<u>Jon.Ramos06@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name Lonny Jepsen (Corporation)
 Job or Title (if known) Head of Human Resource Pork operations
 Street Address 800 Stevens Port Dr.
 City and County Dakota Dunes, and Union County
 State and Zip Code South Dakota and 57049
 Telephone Number (605) 235-2587
 E-mail Address (if known) lonny.jepsen@Tyson.com

Defendant No. 2

Name Alfredo Moreno (Corporation) Quit 08/12/20
 Job or Title (if known) Human Resource Pork
 Street Address 800 Stevens Port Dr.
 City and County Dakota Dunes, and Union County
 State and Zip Code South Dakota and 57049
 Telephone Number (605) 235-2587
 E-mail Address (if known) Alfredo.MorenoJr@Tyson.com

Defendant No. 3

Name Nicole Thompson (Ham plant)
 Job or Title (if known) Human Resource/Safety manager
 Street Address 1200 Industrial Pkwy
 City and County Madison and Madison
 State and Zip Code Nebraska and 68748
 Telephone Number (402) 454-4381
 E-mail Address (if known) Nicole.Thompson@Tyson.com

Defendant No. 4

Name Kelly Maruska Jo (Ham plant)
 Job or Title (if known) General supervisor
 Street Address 1200 Industrial Pkwy
 City and County Madison and Madison
 State and Zip Code Nebraska and 68748
 Telephone Number (402) 454-4381
 E-mail Address (if known) Kelly.Maruska@Tyson.com

Defendant No. 5

Mike Huffman
Supervisor
1200 Industrial Pkwy
Madison and Madison
Nebraska and 68748
(402) 454-4381
Mike.Huffman@tyson.com (Ham plant)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name
Street Address
City and County
State and Zip Code
Telephone Number

Tyson Fresh Meats, Inc.
1200 Industrial Pkwy
Madison and Madison
Nebraska and 68748
(402) 454-4381

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Other federal law (specify the federal law):

Violates the First Amendment of the U.S. Constitution.

- ☒ Relevant state law (specify, if known): 2006 Nebraska Revised Statutes

Section 48-1104 and 48-1115 and 28-110

- ☐ Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☒ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: Harassment Deaf

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)*

Deaf, lack of English from American sign language, needed interpreter ^{Asst.}

E. The facts of my case are as follows. Attach additional pages if needed.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

11/01/2017 - 03/01/2020

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date) _____.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

- Removal Disciplined of action/suspend 2018 irreparable Harm.
- Must provide ASL interpreter for safety, meeting, and on the floor full explain. Pork plant, chicken plant - for Deaf.
- Training New Team member and ^{senior} ~~old~~ Team member on Deaf culture/American Sign language. Pork plant/chicken plant.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 09/18/2020

Signature of Plaintiff

Printed Name of Plaintiff

Jonathan Ramos

B. For Attorneys

Date of signing:

N/A

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

N/A

Jonathan F. Ramos

VS.

Tyson Fresh Meats, Inc.

new case:

years 2018-19 "Pro se party" Make it a supplement for I, Jonathan Ramos
 Allegations of Defendant Tyson Fresh Meats, Inc, Lonny Jepsen, and
 Nicole Thompson, Alfredo Moreno, Kelly Maruska Jo, and Mike Huffman, by
 refusal provided A.S.L. (American sign language) when I request notice in the
 floor by email and letter Nebraska commission for The Deaf and Hard of Hearing
 and Nebraska VR, explained ASL interpreter on the floor, etc rejection.
 Received Disciplined of action safety by the tree's position, make a report
 harassment of Team member yell at my ears but not action quickly instead I unable
 push TM to stop yell my ears, They ran over me by report at Human Resource. ^{talk,}

Kelly Jo met on July 2, 2017 P.S.S.I. hired position vat wash under Tyson Fresh Meats, Inc.
 PSSI clean everything chemical, hot water. They provided ASL interpreter 07/2-3/2017.
 For A shift 6:30am-2:30pm. Ham plant hired me as offer job vat wash, changed to
 position hang department. Mike/Nicole/Kelly Jo denial ASL interpreter explain on
 floor position hang department instead they force handwritten for 2 yrs 2018-2019.
 no Safety meeting, no explain floor. Make me look bad and irreparable harm.
 Those Defendant are language deprivation by ASL interpreter, ^{Spanish, Korean} and
 Violates the First Amendment of the U.S. Constitution "Freedom of speech
 by ASL interpretation.

Defendant provided Spanish language and Korean Language and English Language
 NO ASL language? "No fair!"

I told Defendant have limited English written, only short note ~~eg~~ example "stop
 "wait", "restroom", "go", "Thank you", "Help", "Break", etc easy but summary lack of write
 English.

Deafness and American Sign Language:

There are at least 48 Million D.H.H. (Deaf and Hard Hearing) persons in the United States.¹ For many of these D.H.H. individuals, ASL is their primary language, and for many such persons, English is, at best, a second language. Indeed, many D.H.H. persons know virtually no English. Most D.H.H. Americans who use ASL require qualified ASL interpreters to communicate with hearing persons who can only communicate in a spoken language such as English.

¹ Here, Plaintiffs use the term D.H.H. to refer to individuals with hearing levels or hearing loss that qualify as disabilities under the Rehabilitation Act. Plaintiffs use the term "Deaf" to refer to individuals who self-identify as Culturally Deaf.

ASL is a complete and complex language distinct from English, with its own vocabulary and rules for grammar and syntax—it is not simply English in hand signals. ASL has no written component. For several reasons, including early language deprivation, many deaf people have a very limited ability to read and write in English.

Written English is not an effective means of communication for the many deaf individuals who have limited English capabilities, particularly for complex and important topics such as COVID-19 and related issues of public health and employment discrimination. (8:18cv313 Ramos vs. Valmont, inc.)
(New case Ramos vs. Tyson Fresh Meats, inc)
09/18/2020

Accordingly, Defendants' refusal to provide ASL interpretation violates the First Amendment, on the floor enter build.


Jonathan F. Ramos
09/18/2020

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Jonathan F. Ramos**
2015 14th Street
Columbus, NE 68601

From: **St. Louis District Office**
1222 Spruce Street
Room 8.100
Saint Louis, MO 63103



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

32E-2018-00692

Joseph J. Wilson,
State & Local Program Manager

(314) 539-7816

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

AUG 10 2020

Joseph J. Wilson
Lloyd J. Vasquez, Jr.,
District Director

Enclosures(s)

(Date Mailed)

cc:

Lorri Baker**EEO Specialist****TYSON FOODS, INC.****2200 W Don Tyson Pkwy, CP422****Springdale, AR 72762**